

Message

From: Chalfant, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C1D644333F94EA2AFF756BE6469E5AD-CHALFANT, MARK]
Sent: 6/18/2015 3:07:16 PM
To: Otis, Andrew D. [aotis@curtis.com]
Subject: RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mr. Otis:

This is to confirm that I have now conveyed the same information to Mr. Cohen regarding next steps. Specifically, I informed Mr. Cohen that the EPA would appreciate an initial response from CFAC and ARCO by June 27, 2015 to EPA's invitation in the general notice and demand letter to commence remedial investigation and feasibility study (RI/FS) negotiations. If CFAC and ARCO wish to enter into RI/FS negotiations, we can then work out a mutually agreeable timeline for the parties' to submit a joint response to the EPA on the proposed administrative settlement agreement.

I will get back to you later today on your indirect cost rate question.

Thank you.
Mark

From: Chalfant, Mark
Sent: Thursday, June 18, 2015 8:17 AM
To: 'Otis, Andrew D.'
Subject: RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mr. Otis:

I was planning on following up with Mr. Cohen today to convey the same message to Atlantic Richfield Company. I expect to do that shortly.
Mark

From: Otis, Andrew D. [mailto:aotis@curtis.com]
Sent: Thursday, June 18, 2015 8:12 AM
To: Chalfant, Mark
Subject: RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mark,

Thanks for your email. I had one other follow up question: did you also send to ARCO, either in house or outside counsel, the same email that you sent to me on June 12 seeking their response to EPA's invitation to negotiate by June 27?

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

Sent: Wednesday, June 17, 2015 7:01 PM

To: Otis, Andrew D.

Subject: RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mr. Otis:

Thank you for your email below. In response to your first question, as you are aware, the EPA sent general notice and demand letters to both Columbia Falls Aluminum Company (CFAC) and Atlantic Richfield Company (ARCO). The agency noticed the parties based on an initial determination that both CFAC and ARCO may have potential liability under CERCLA in connection with the Anaconda Aluminum Co Columbia Falls Reduction Plant Superfund Site. EPA expects the parties to coordinate among themselves and then submit a joint response to the Agency's proposed Administrative Order on Consent and draft statement of work with respect to the performance of the remedial investigation and feasibility study (RI/FS).

In regard to your second question concerning the EPA Region 8 indirect cost rate, I have a call into Region 8's Finance Office and I hope to get back to you shortly.

We look forward to your response by June 27th to EPA's invitation to commence RI/FS negotiations. Please let me know if you have any other questions in the meantime. I will be out of the office next week, and will not be checking email during that time.

Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]

Sent: Wednesday, June 17, 2015 11:37 AM

To: Chalfant, Mark

Subject: RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mark,

Thanks for your email. I will send you on or before June 27 a response to the invitation to CFAC below to engage in negotiations with EPA over an Administrative Order on Consent to perform a RI/FS at the Anaconda Aluminum Company Site.

I had two questions based on your email and the package of material that you sent to me with the draft AOC and Special Notice Letter:

1. Assuming that ARCO is willing to engage in negotiations with EPA with regard to an AOC, were you envisioning three way discussions between ARCO, EPA and CFAC together?
2. Can you please provide me a reference for the EPA Region 8 indirect cost rate in the Itemized Cost Summary of 51.25%

With regard to the RI/FS work plan that CFAC has developed, it was drafted to be in substantive conformance with EPA policy and guidance. We will review the draft in comparison to the statement of work that you sent to us with the special notice letter.

Please feel free to contact me if you have any questions or would like to discuss.

Best regards,

Andrew

Andrew D. Otis
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Before printing this e-mail, please consider the impact on the environment.

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

Sent: Friday, June 12, 2015 12:52 PM

To: Otis, Andrew D.

Subject: RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mr. Otis:

This is in response to your June 8, 2015, invitation to the Environmental Protection Agency (EPA) and the Montana Department of Environmental Quality (MDEQ) to comment on Columbia Falls Aluminum Company's (CFAC's) draft remedial investigation/feasibility study (RI/FS) work plan.

To facilitate EPA-CFAC RI/FS negotiations, the EPA included a draft RI/FS statement of work in its June 9, 2015, general notice and demand letter. This draft statement of work is intended to inform the development of the RI/FS work plan. We recommend that CFAC carefully review the EPA's draft RI/FS statement of work to ensure that CFAC's June 9, 2015 RI/FS work plan meets EPA expectations.

On behalf of both the EPA and the MDEQ, I wish to inform you that neither regulatory agency will be commenting on CFAC's June 5, 2015 draft RI/FS work plan until CFAC has had the opportunity to review the work plan against EPA's general statement of work. Although the agencies appreciate the fact that CFAC has retained an environmental consultant to prepare a draft RI/FS work plan, the EPA, in consultation with the State of Montana, will be following the established Superfund process, including the agency's "Guidance on Conducting Remedial Investigations and Feasibility Studies Under CERCLA" (OSWER Directive No. 9355.3-01 (October 1988)), in overseeing the RI/FS. The EPA will conduct the RI/FS process in consultation with the State of Montana as provided for by CERCLA and the National Contingency Plan.

Also, please note that the EPA has shared with the State of Montana a copy of the proposed settlement agreement and the draft statement of work. The MDEQ has expressed interest in commenting on RI/FS documents.

Please confirm CFAC's willingness to enter into negotiations with the EPA regarding the RI/FS administrative settlement agreement by no later than June 27, 2015. If CFAC wishes to enter into settlement negotiations, we can then discuss a mutually agreeable date by which CFAC will respond to the EPA's proposed administrative settlement agreement and draft RI/FS statement of work, and provide a revised RI/FS work plan for agency review.

We look forward to your response, and welcome CFAC's cooperation in commencing the RI/FS process in an expeditious manner.

-Mark

Mark A.R. Chalfant

Attorney

Legal Enforcement Program

Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8

303.312.6177 | chalfant.mark@epa.gov

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From: Otis, Andrew D. [<mailto:aotis@curtis.com>]

Sent: Tuesday, June 09, 2015 10:29 AM

To: Chalfant, Mark

Subject: RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Dear Mark,

Thanks for the Curtis copy. I acknowledge receipt. We will review these documents and get back to you.

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

Sent: Tuesday, June 09, 2015 10:42 AM

To: Otis, Andrew D.

Subject: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mr. Otis:

Thank you for your email yesterday. The attached documents were sent by USPS certified mail in today's mail. A courtesy copy is attached.

Mark

Mark A.R. Chalfant

Attorney

Legal Enforcement Program

Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8

303.312.6177 | chalfant.mark@epa.gov

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Curtis, Mallet-Prevost, Colt & Mosle LLP (101 Park Avenue, New York, NY 10178)

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